

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

November 18, 2002

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, November 18, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Alfred T. Dowe, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Earl Robertson, Pastor, Roanoke First Church of the Nazarene.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT: The Mayor advised that some time ago, Council Member Carder recommended and the Council concurred that the City of Roanoke should recognize those citizens who go above and beyond the call of duty to be of service to their fellow man and to their community. On behalf of the Members of Council, he stated that he was pleased to recognize Ms. Janine Palma VanDenBerg and Ms. Louise Scott, representing the Roanoke Valley Mopar Club.

The Mayor advised that Ms. VanDenBerg volunteers at the Rescue Mission in the Women's Shelter; she assists in fund raising efforts for the homeless population and she is an advocate for the rights of the down trodden and disadvantaged in the Roanoke community.

The Mayor further advised that the Roanoke Valley Mopar Club goes above and beyond the call of duty every year to raise money for St. Jude's Hospital, which is a children's hospital that is a patron's saint for children with severe illness.

He presented Ms. VanDenBerg and Ms. Louise Scott, on behalf of the Roanoke Valley Mopar Club, with "Shining Star" awards.

PROCLAMATIONS: The Mayor presented a proclamation declaring the week of November 24-30, 2002, as Roanoke Family Week.

SPORTS ACTIVITIES-ROANOKE CIVIC CENTER: Joseph Preseren, Team President, The Roanoke Dazzle Basketball Team, advised that the season started last weekend, and he commended Roanoke Civic Center staff on their management of a myriad of civic center events. He stated that attendance is up, preseason sales are significantly higher than last year's sales, and the team is optimistic and looks forward to a great season.

Kent Davison, Head Coach, Roanoke Dazzle Basketball Team, advised that this year, the Roanoke Dazzle has played two exhibition games and two regular season games, and called attention to two local recognizable players, Cory Alexander and Jamaal Robinson, whose presence will cause an increase in attendance. He commended the City on the quality of office space and locker rooms provided for the Roanoke Dazzle which compete favorably with professional team locker rooms. He stated that the Roanoke Dazzle team and staff are now firmly entrenched in the Roanoke Valley and offered their assistance to the community.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of City Council held on Monday, October 3, 2002, and recessed until Sunday, October 6, 2002, were before the body.

Mr. Cutler moved that the reading of the minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote.

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: A communication from Council Member William H. Carder requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of Council Member Carder to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

PURCHASE/SALE OF PROPERTY-CITY MANAGER-CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2.-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Attorney to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES-BLUE RIDGE COMMUNITY SERVICES: A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence by Council in the reappointment of Linda H. Bannister as an at large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005, was before the body.

It was further advised that the current term of Ms. Bannister as an at large representative will expire on December 31, 2002; according to §37.1-196, Code of Virginia, 1950, as amended, Community Services Board members are eligible for three full three-year terms; therefore, it is requested that Council ratify the reappointment of Ms. Bannister for a second term, from January 1, 2003, through December 31, 2005; and By-Laws of the Board require that appointments of at large members be ratified by all five participating localities.

Mr. Cutler moved that Council concur in the reappointment of Linda H. Bannister as an at large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from Christine Profitt tendering her resignation as a member of the Roanoke Neighborhood Partnership Steering Committee, was before Council.

Mr. Cutler moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

PURCHASE/SALE OF PROPERTY-CITY MANAGER-CITY COUNCIL-CITY PROPERTY: An oral request of the City Manager that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

PURCHASE/SALE OF PROPERTY-CITY MANAGER-CITY COUNCIL-CITY PROPERTY: An oral request of the City Manager that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

PARKS AND RECREATION-LANDMARKS/HISTORIC PRESERVATION-LEASES:

The City Manager submitted a communication advising that the Commonwealth of Virginia, Department of Historic Resources (DHR), operates the Roanoke Regional Preservation Office from the Buena Vista Recreation Center; even though use of the facility involves limited office and storage space, DHR has made approximately \$10,000.00 worth of improvements to the leased space at Buena Vista Recreation Center; and these positive changes are consistent with the departmental direction noted within the Comprehensive Master Plan of Roanoke Parks and Recreation.

It was further advised that the unexecuted Lease Agreement, authorized by Council pursuant to Ordinance No. 33798-051898 between the City of Roanoke and DHR was to expire in February 2001; following minor modifications to the Agreement, DHR has agreed to continuing use of a portion of the facility; and renewal of the revised lease provides for a term retroactive to March 2002 for a term of five years at no fee with the option to renew for one additional term.

The City Manager recommended that she be authorized to execute the Lease Agreement with the Department of Historic Resources, upon approval as to form by the City Attorney.

Mr. Carder offered the following ordinance:

(#36125-111802) AN ORDINANCE authorizing entering into a lease agreement between the City and the Commonwealth of Virginia, Department of Historic Resources, for certain space in the Buena Vista Recreation Center, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, Page 509.)

Mr. Carder moved the adoption of Ordinance No. 36125-111802. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-EMERGENCY SERVICES: The City Manager submitted a communication advising that since July 1, 1986, the City has been under contract with the Virginia Department of Emergency Management (VDEM) to respond to Level III hazardous materials incidents in a regional concept involving Firefighter/EMTs from the Cities of Roanoke and Salem; in July 2000, the City renewed its agreement to participate in a Level III Regional Response Team; and the purpose of the report is to request, for the next two fiscal years (July 2002- June 2004), authorization for another bi-annual agreement to keep funding and reimbursement needs current.

It was further advised that the City of Roanoke benefits in several ways from the contract; the City receives reimbursement for training, team member physical examinations and purchase of related equipment; and without the State contract, the City would still have a need for a hazardous materials response team, but would not have the corresponding benefit of being a reimbursed regional provider.

It was explained that the present VDEM hazardous materials team contract expired on June 30, 2002; VDEM agreed to sign a new, two year agreement and to furnish \$15,000.00 per year in "pass-through" funds in order to assist with the purchase of equipment, physicals, and to attend training programs needed to comply with Federal and State response criteria mandates; and "pass-through" funding totaling \$15,000.00 has been received from VDEM and deposited in revenue Account No. 035-520-3225-3225.

The City Manager recommended that Council authorize execution of a new contract and "pass-through" funding, which honors the two-year VDEM hazardous materials team contract for the period July 1, 2002, until June 30, 2004, and appropriate \$15,000.00 as follows: \$10,000.00 to Expendable Equipment and \$5,000.00 to Training and Development under the Hazardous Materials Response Team Grant (035-520-3225-2035 and 035-520-3225-2044), and establish a revenue estimate of \$15,000.00.

Mr. Carder offered the following budget ordinance:

(#36126-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, Page 509.)

Mr. Carder moved the adoption of Ordinance No. 36126-111802. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Carder offered the following resolution:

(#36127-111802) A RESOLUTION authorizing the City Manager to enter into a two-year contract with the Commonwealth of Virginia, Department of Emergency Management, to participate in a Regional Hazardous Materials Response Team and to accept "pass-through" funding in the amount of \$15,000.00.

(For full text of Resolution, see Resolution Book No. 66, Page 510.)

Mr. Carder moved the adoption of Resolution No. 36127-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

POLICE DEPARTMENT: The City Manager submitted a communication advising that design of the new police building at 348 West Campbell Avenue has always included a space directly in front of the door for a monument, or memorial, to recognize the sacrifice of fallen police officers; a committee of Police Department employees worked with the Roanoke Arts Commission to develop a fitting memorial; solicitations for proposal were sent to artists regionally, with four artists submitting potential designs for consideration; and a quality statue at this highly visible location would promote the arts in the City of Roanoke.

It was further advised that Blacksburg sculptor, Lawrence Reid Bechtel, one of the four artists offering works for review, submitted a proposed work entitled, "Officer Down", which has been displayed within the Police Department and is recommended by the joint Police Department/Arts Commission Committee; production of the

monument is anticipated to take approximately one year following execution of a contract, at an anticipated cost of \$96,500.00; and funding is available in Account No. 008-640-9902-9132.

The City Manager recommended that she be authorized to enter into a contract with Lawrence Bechtel, in a form to be approved by the City Attorney, and to advertise for bids for architectural and construction work associated with completion of the project.

Mr. Bestpitch offered the following resolution:

(#36128-111802) A RESOLUTION authorizing execution of an agreement between the City of Roanoke and Lawrence Reid Bechtel, doing business as Heady Stuff Studio, providing for development and creation of a statue to memorialize fallen law enforcement officers to be erected in front of the Police Department at 348 West Campbell Avenue.

(For full text of Resolution, see Resolution Book No. 66, Page 511.)

Mr. Bestpitch moved the adoption of Resolution No. 36128-111802. The motion was seconded by Mr. Carder.

Captain William Althoff, Roanoke City Police Department, advised that the design of the front of the new police building was intended for the placement of a statue to honor fallen police officers. He stated that the Roanoke Arts Commission assisted the Fallen Police Officers Memorial Committee by making announcements to persons affiliated with the art network as to the City of Roanoke's interest in commissioning a statue to memorialize fallen police officers, and a variety of artists viewed the site prior to submitting their proposal. He advised that \$70,000.00 for the sculpture will be taken from the 2000-01 CMERP fund which represent funds that were carried over, and the remainder of the funds will be taken from 2001-02 CMERP funds. He introduced Lawrence Reid Bechtel, who was selected by the committee to sculpt the proposed fallen police officers statue.

For demonstration purposes, Mr. Bechtel presented a small model designed to scale of the site. He advised that he interviewed police officers and took an actual incident and tried to symbolize the way in which police officers place their lives on the line everyday. He stated that he endeavored to capture a sense of ministry between police officers, the police department and the community, and the proposed sculpture is intended to portray kinship and a sense that all citizens share a responsibility to join hands with those who are fallen and in need.

Robert L. Humphrey, Vice-Chair, Roanoke Arts Commission, and liaison from the Roanoke Arts Commission to the Fallen Police Officer Memorial Committee, advised that his role was to facilitate in the artist selection process. He stated that the Arts Commission assisted the committee in drafting a prospectus which was mailed to a variety of sculptors announcing the project and the ensuing selection process. Following receipt of proposals, he added that he assisted with the arts process, the end result of which was the selection of Mr. Bechtel. He advised that the Roanoke Arts Commission applauds the selection committee on its efforts to bring the project to this point, the Arts Commission supports this most deserved project, and encourages favorable consideration of funding by Council.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., commended all persons involved in the fallen police officer memorial and advised that the City can never do enough to honor those police officers who endanger their lives every day to protect others; however, he stated that it was just two weeks ago that Council discussed a \$387,000.00 shortfall to the City's budget as a result of State budget cuts. He stated that there is discussion about cutting back on library hours, and eliminating school teacher positions, etc., therefore, he questioned whether the statue is an expenditure that the City should make at this time in view of the budget situation; and advised that it might be more appropriate to delay action on the expenditure. He stated that \$96,000.00 is the equivalent of more Police Officers, and spoke in support of soliciting donations from private enterprise/interests to fund this worthy project.

Council Member Bestpitch advised that the voters of the City of Roanoke elected City Council to set policy and to determine the budget for the City; the voters also elect representatives to the Virginia General Assembly and to the United States Congress; those persons who represent the citizens in Richmond and Washington have created a "mess" and the "mess" they have created is now resulting in reductions in services at Roanoke's libraries and cuts in funding for law enforcement, etc. He stated that if citizens want to make changes, they have it within their power as voters to do so; however, it is not appropriate to lay the responsibility for resolving the problems at the feet of City Council, when the problems were created by the General Assembly and the United States Congress and they need to find a solution.

Vice-Mayor Harris expressed appreciation to Mr. Bechtel, the Roanoke Arts Commission and to those who served on the Fallen Police Officers Memorial Committee, and advised that the proposed statue will be an asset not only as a piece of art, but as a memorial to fallen police offices. He explained that the sculpture will be funded by CMERP funds which are funds that are set aside for one time capital projects and not general operating expenses that will be incurred annually.

Council Member Wyatt called attention to the amount of counseling involved in the work of a police officer, therefore, the proposed sculpture is most fitting. She commended Mr. Bechtel for touching on that part of a police officers' responsibility.

The Mayor advised that Mr. Howard's comments are not totally out of place in regard to priorities for spending City funds. However, he stated that he is pleased with Mr. Bechtel's proposal and the sculpture will complete the front of the police building which was designed with a memorial in mind.

Resolution No. 36128-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY PROPERTY-HOUSING/AUTHORITY-DOWNTOWN NORTH: The City Manager submitted a communication advising that the City currently owns several parcels of land along Gainsboro Road, N. W., suitable for potential development of a mixed-use community; the City desires the opportunity to consider entering into a contractual agreement with a real estate developer who has submitted the successful proposal for development of the property; although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above referenced services; the experience, qualifications, and references of firms that can provide the real estate development proposal are of equal, if not greater, importance than the cost; additional issues, other than price, include development experience, employee training, customer responsiveness, marketing, and financial capacity; therefore, the process of competitive negotiation using the request for proposal process has been identified as the best method for procurement of these services.

It was further advised that the Code of the City of Roanoke, (1979), as amended, provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation"; however, prior approval by Council is necessary; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure a development company for development of City-owned property along Gainsboro Road, N. W.

Mr. Carder offered the following resolution:

(#36129-111802) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used to secure a real estate development company for development of the city-owned property along Gainsboro Road, N. W.; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 66, Page 512.)

Mr. Carder moved the adoption of Resolution No. 36129-111802. The motion was seconded by Mr. Bestpitch.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed opposition inasmuch as the various neighborhood organizations in Gainsboro have not been afforded an opportunity to review the proposals. She stated that residents of the area are concerned because they were previously advised that the various presidents/officers of each neighborhood organization within Gainsboro would be kept informed as to matters affecting the Gainsboro community. She explained that there are three neighborhood organizations that work together and each have different interests pertaining specifically to the area in which they live; and a neighborhood comprehensive plan is currently being prepared by City staff and it was the understanding of Gainsboro residents that no real development would be undertaken in the area until the neighborhood comprehensive plan was completed by City staff and approved by Council. She inquired as to the location of the property and requested, before taking action on the matter, that a map of the area be prepared and that a meeting be held with neighborhood organizations to identify the location of the property.

The City Manager clarified that no proposals have been received, no developer has been selected, and the item before Council is a request for authorization to solicit proposals. She explained that provisions of the City's Procurement Code require approval by Council in order to engage in competitive negotiation.

Using the competitive negotiation process, Ms. Bethel inquired as to which developers will be contacted and how will the developer be selected. She expressed concern with regard to the process that will be used by the City.

Mr. Harris called for the question. The motion was seconded by Mr. Carder and adopted.

Resolution No. 36129-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REFUSE COLLECTION-EQUIPMENT: The City Manager submitted a communication advising that on October 25, 2002, Invitation for Bid #02-09-22 for five side loading refuse cab and chassis and five "one-armed bandit" bodies was opened; five bids were received for the cabs and chassis and five bids were received for the bodies; during evaluation of the bids, an error in the specifications was discovered which requires that the bids be rejected; and updated specifications have been completed and a new invitation for bid can be issued immediately following rejection of all bids.

It was further advised that an error was made in the submission of old specifications, rather than new specifications to the Purchasing Department; and a new sign-off procedure will now be initiated to avoid future errors.

The City Manager recommended that Council reject all bids received on Invitation for Bid #02-09-22, and reissue an invitation for bid for five side loading refuse cab and chassis and five "one-armed bandit" bodies, pursuant to revised specifications.

Mr. Carder offered the following resolution:

(#36130-111802) A RESOLUTION rejecting all bids for five side loading refuse cab and chassis and five "one-armed bandit" bodies.

(For full text of Resolution, see Resolution Book No. 66, Page 513.)

Mr. Carder moved the adoption of Resolution No. 36130-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Council Member Wyatt inquired as to the dollar amount expended to date for solid waste collection; whereupon, the City Manager advised that the information will be provided at a later date.

The Mayor inquired if the technical change will rule out any of the five bidders whose bids are proposed to be rejected; whereupon, the City Manager advised that the expectation is that the City would get an equal, if not larger number of bids, as a part of the next bidding process.

BUDGET-FDETC: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient and fiscal agent for Workforce Investment Act (WIA) funding, thus, Council must appropriate funds for all grants and other monies received; Workforce Investment Act for the region, Workforce Area 3, encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is for the following three primary client populations:

dislocated workers who have been laid off from employment through no fault of their own,

economically disadvantaged individuals as determined by household income guidelines set up by the U. S. Department of Labor, and

WIA Youth Programs

It was further advised that Notice of Obligation has been received from the Virginia Employment Commission authorizing Workforce Area 3 to spend \$209,792.00 for the Adult Program, which serves economically disadvantaged persons and \$198,544.00 for the Dislocated Worker Program, which serves persons laid off from their

jobs through no fault of their own; the Virginia Employment Commission has issued a Notice of Obligation dated September 10, 2002, authorizing Workforce Area 3 to spend a total of \$25,000.00 to purchase and install Virginia Workforce Center signs, which funds are available from July 1, 2002 through June 30, 2003; the Fifth District Employment and Training Consortium, pursuant to agreement with the City of Roanoke, administers funding for Workforce activities not included in the identified WIA program categories; and the Consortium has received funding in the amount of \$50,000.00 from the State Department of Social Services to operate the Opportunity Knocks Program for Workforce Area 3, which provides services to eligible youth from October 1, 2002 through June 30, 2003.

The City Manager recommended that Council appropriate Workforce Investment Act and Fifth District Employment and Training Consortium funding totaling \$483,336.00, and increase the revenue estimate by \$483,336.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Bestpitch offered the following budget ordinance:

(#36131-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 514.)

Mr. Bestpitch moved the adoption of Ordinance No. 36131-111802. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

SIDEWALK/CURB AND GUTTER-BUDGET-NEWSPAPERS: The City Manager submitted a communication advising that Salem Avenue from Jefferson Street to 5th Street, S. W., was identified as a special project for curb and sidewalk improvements; the first phase, First Street to Second Street in the area of the new Roanoke Times Building, is to be constructed in the summer of 2003; and proposals for design services were received from Hayes, Seay, Mattern & Mattern, Inc., LMW, P.C., and Anderson & Associates, Inc.

It was further advised that a selection committee consisting of City employees selected Hayes, Seay, Mattern & Mattern, Inc., as the most qualified for the project; City staff has negotiated an acceptable agreement for the above work in the amount of \$54,734.00; funding in the amount of \$60,000.00 is needed for the project, with additional funds that exceed the contract amount to be used for miscellaneous project expenses including advertising, printing and unforeseen project expenses; and funding is available from Public Improvement Bonds – Series 2002, Account No. 008-530-9711-9195.

The City Manager recommended that Council transfer \$60,000.00 from Public Improvement Bonds – Series 2002, Account No. 008-530-9711-9195, to an account to be established by the Director of Finance entitled, Salem Avenue Streetscape.

Mr. Carder offered the following budget ordinance:

(#36132-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of the ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 516.)

Mr. Carder moved the adoption of Ordinance No. 36132-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HUMAN DEVELOPMENT-LEASES: The City Manager submitted a communication advising that in November 2001, the City of Roanoke entered into a lease agreement for office space with Blue Eagle Partnership for property located at The Civic Mall, 1501 Williamson Road; the Department of Human Services will relocate its offices to The Civic Mall; term of the lease is for 20 years, commencing on June 1, 2003, and expiring on May 31, 2023; prior to the commencement date, the Lessor will complete renovations and improvements to the premises in an amount not to exceed \$2,497,080.00; in the event that improvements exceed \$2,497,080.00, the cost will be amortized over the term of the Lease and such amortization payments will be included in monthly rental

payments as additional rent; and additionally, the lease has a nonappropriation provision which provides that the City shall have the right to terminate the Lease without penalty or further obligation in the event Federal, State or Municipal government does not appropriate necessary funds for the lease.

It was further advised that both parties desire to amend the Lease Agreement to reflect a dollar limit to the cost of improvements; Blue Eagle Partnership has agreed to be responsible for any costs over and beyond \$2,497,080.00, and the City of Roanoke will now be responsible for installation of the computer system and telephone system wiring; additionally, Blue Eagle Partnership's lender has expressed concern over the nonappropriation provision; specifically, the lender is concerned that while State and Federal governments may appropriate funds, it may be appropriated for office space at a different location; and both parties desire the lease to indicate that the City shall have the right to terminate the lease in the event of nonappropriation only if Federal, State or local funding is not appropriated to pay for office space at any location.

The City Manager recommended that she be authorized to execute the Lease Amendment in a form approved by the City Attorney.

Mr. Carder offered the following ordinance:

(#36133-111802) AN ORDINANCE authorizing the City Manager to enter into an amendment to the lease agreement between the City and Blue Eagle Partnership dated November 21, 2001, for certain property located at the Civic Mall, 1501 Williamson Road, Roanoke, Virginia, for the Department of Human Services, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, Page 517.)

Mr. Carder moved the adoption of Ordinance No. 36133-111802. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY CODE-RENTAL INSPECTION PROGRAM: The City Manager submitted a communication advising that as authorized by State law, Council instituted a Rental Certificate of Compliance program, pursuant to Section 7-34 of the Code of the City of Roanoke (1979), as amended; the program allows the City to inspect rental properties at the change of tenancy or ownership to protect the health, safety and welfare of residents in rental dwelling units; and the program is limited to core areas of the City that are designated as Conservation Areas, Rehabilitation Districts and areas designated as blighted, pursuant to Section 36-49.1.1, Code of Virginia, 1950, as amended.

It was further advised that according to the 2000 census, there are approximately 18,000 rental properties in the City, 4,299 of which are located in Conservation Areas and Rehabilitation Districts; current code enforcement records of the Department of Housing and Neighborhood Services indicate that since inception of the Rental Inspection Program, approximately 2,400 units have been inspected, of which 1,800 or 75 percent have received Certificates of Compliance; however, code enforcement records also indicate that nearly 1,000 rental properties are not inspected, either because their tenancy does not change, or the owners do not abide by the requirement to have the unit inspected upon turnover; and ultimately, City staff finds that many rental properties, when not the subject of either regular inspections or inspections upon a change in tenancy, may become unsafe, a public nuisance and unfit for human habitation.

It was explained that to improve efficiency and effectiveness of the Rental Certificate of Compliance program, it is recommended that Sections 7-34 - 42 of the City Code be amended; specifically, Section 7-37 of the ordinance ensures that all rental properties in the Conservation Areas, Rehabilitation Districts and other areas designated as blighted shall be inspected upon (i) a change of ownership, (ii) a change in tenancy, or (iii) whenever the property is the subject of a separate finding by Council that additional inspections at specific time intervals, not more frequently than once annually, are necessary to protect the public health, safety or welfare, unless the rental property has a valid certificate of compliance, a temporary waiver of compliance certificate, or a certificate of exemption; and if, however, an inspection has been conducted within the last 12-month period, no inspection shall occur upon the termination of a rental tenancy or upon change of ownership (enabling legislation authorizing the latter provision was authorized by the General Assembly in 2002 at the request of the City).

The City Manager recommended that Council approve amendments to Sections 7-34 - 42 of the Code of the City of Roanoke (1979), as amended, to streamline the Rental Certificate of Compliance program, and to allow for inspection of rental properties in the Conservation Areas and Rehabilitation Districts, or in other areas designated as blighted, pursuant to the Code of Virginia, 1950, as amended, under certain circumstances. It was noted that the amendments are part of the City's effort to enhance its code enforcement response time and to improve the overall quality of life in residential neighborhoods.

Mr. Carder offered the following ordinance:

(#36134-111802) AN ORDINANCE amending and reordaining §7-34, Purpose and intent; §7-35, Definitions; §7-36, Applicability; subsections (a) and (b) of §7-37, Inspection and certificate of compliance required; subsections (a), (b) and (c) of §7-38, Exemptions; and subsections (a)(1), (b) and (c) of §7-39, Certificate of exemption; subsections (a) and (b) of §7-40, Issuance of certificate of compliance; subsections (a), (a)(1), (a)(2) and (b) of §7-41, Temporary waiver of compliance; and subsection (a) of §7-42, Display of proof of compliance, of Article III, Rental Certificate of Compliance, of Chapter 7, Building Regulations, of the Code of the City of Roanoke (1979), as amended, to amend the definition of multiple-family rental complex, add the definition of rooming unit, and to repeal the definitions of Uniform Statewide Building Code, Volume I, and Uniform Statewide Building Code, Volume II; to broaden the area of possible application of Article III, Rental Certificate of Compliance; to require inspections under certain conditions; and to exempt certain dwellings, dwelling units and rooming units, from the application of the rental inspection program; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 518.)

Mr. Carder moved the adoption of Ordinance No. 36134-111802. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

PARKS AND RECREATION-DONATIONS/CONTRIBUTIONS: The City Manager submitted a communication advising that as outlined in the Department of Parks and Recreation's Comprehensive Master Plan, adopted by Council in May 2000, it was established that all City parks should have fair and suitable distribution of park amenities; currently, Garden City Park's amenities include only a playground, restrooms, and athletic fields; and due to a limited amount of amenities for surrounding residents and visitors, the Garden City Recreation Club has agreed to play an active role in helping the City of Roanoke provide a park shelter in Garden City Park to help support needed amenities through funds received from the Neighborhood Partnership Grant under the Community Development Block Grant for use toward park improvements.

It was further advised that in a proposed Agreement between the City of Roanoke and the Garden City Recreation Club, the Recreation Club will provide all materials and supplies necessary for construction of a 20' x 35' shelter, including a concrete pad, at a total value of \$7,500.00; specifications and location of the shelter have been agreed upon between the Garden City Recreation Club and the Parks and Recreation Department; once the Recreation Club completes the concrete base, supplies are to be delivered to the City to complete construction of the shelter by the Building Maintenance Department; once the project is completed in March 2003, the City will have full responsibility and rights to the shelter, which include overseeing of maintenance and all rental/usage requirements of the facility; and funding will be available through the operating budget to operate and routinely maintain the picnic shelter.

The City Manager recommended that she be authorized to accept donation of the park shelter through execution of the Garden City Shelter Agreement with the Garden City Recreation Club, upon approval as to form by the City Attorney.

Mr. Bestpitch offered the following resolution:

(#36135-111802) A RESOLUTION authorizing the City Manager to execute an agreement between the City of Roanoke and the Garden City Recreation Club, accepting a donation of materials and supplies, including a concrete pad, for the construction of a 20' x 35' shelter in Garden City Park, upon the terms and conditions set out in the City Manager's letter dated November 18, 2002, to this Council, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 66, Page 525.)

Mr. Bestpitch moved the adoption of Resolution No. 36135-111802. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

The Mayor suggested and Council concurred that the Garden City Recreation Club and the Garden City Civic League should be awarded a "Shining Star" award for their generous donation.

REPORTS OF COMMITTEES:

COMMITTEES-LEGISLATION: Council Member Carder, Chair, Legislative Committee, submitted a communication advising that on November 4, 2002, City Council's Legislative Committee met to review the proposed 2003 Legislative Program, which is recommended to Council for favorable action; and the School Board's portion of the Program was approved by the Roanoke City School Board at its meeting on November 11, 2002.

Mr. Carder advised that approximately 55 legislative items were forwarded to neighborhood groups, labor representatives and business and community organizations to get their input in terms of the City's legislative agenda, and local legislators were involved early on in the process. He explained that the 2003 Legislative Program focused on six specific areas, five of which relate to neighborhood improvements, by either strengthening code enforcement efforts, or two tier real estate authorization which would offer incentives to investment or redevelopment in the City. He expressed appreciation to the Members of City Council, to F. B. Webster Day and William Lindsey, School Board representatives to the Legislative Committee, to Thomas A. Dick, the City's Legislative Liaison, and to William M. Hackworth, City Attorney, for their input and contributions.

Mr. Carder offered the following resolution:

(#36136-111802) A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2003 Session of the General Assembly.

(For full text of Resolution, see Resolution Book No. 66, Page 526.)

Mr. Carder moved the adoption of Resolution No. 36136 -111802. The motion was seconded by Mr. Cutler.

Council Member Cutler advised of receipt of a communication from the Arts Council for the Blue Ridge which acknowledges that the legislative agenda includes a recommendation for a regional funding mechanism to provide a source of funding for cultural, historic and recreational amenities through the Blue Ridge Asset District.

The Mayor advised that he would support the 2003 Legislative Program as presented.

Resolution No. 36136-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve appropriation of \$856,000.00 for School Instructional Technology funds, which will be used for the purchase of school instructional technology equipment to enable students in grades six through eight to take the Standards of Learning tests on-line, said continuing program to be one hundred per cent reimbursed by State bond funds, was before the body.

A report of the Director of Finance recommending that Council concur in the request, was also before the body.

Mr. Carder offered the following budget ordinance:

(#36137-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 527.)

Mr. Carder moved the adoption of Ordinance No. 36137-111802. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve a State Literary Fund loan application, in the amount of \$1.3 million, for improvements to Lincoln Terrace Elementary School, was before the body.

It was further advised that the loan application includes resolutions for architectural supervision and a site waiver; debt service on the loan will increase the School Board's debt service expenditure by \$104,000.00, commencing in fiscal year 2004-2005, but no debt service liability is incurred until funds are drawn against the loan account.

Mr. Bestpitch offered the following resolution:

(#36138-111802) A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for modernizing Lincoln Terrace Elementary School.

(For full text of Resolution, see Resolution Book No. 66, Page 528.)

Mr. Bestpitch moved the adoption of Resolution No. 36138-111802. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following resolution:

(#36139-111802) A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for adding to and improving the present school building at Lincoln Terrace Elementary and declaring the City's intent to borrow to fund or reimburse such expenditures.

(For full text of Resolution, see Resolution Book No. 66, Page 529.)

Mr. Bestpitch moved the adoption of Resolution No. 36139-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

EMERGENCY SERVICES-WATER RESOURCES: Council Member Cutler announced a Pre-Disaster Mitigation and Remediation Conference and Workshop to be held on November 21-22, 2002, at The Hotel Roanoke, to be sponsored by The Cabell Brand Center, the Virginia Housing Development Network and Shenandoah Valley Project Impact, to provide information on water shed management opportunities.

BUDGET- PENSIONS: At the suggestion of Vice-Mayor Harris and concurred in by Council, the matter of a cost-of-living adjustment for City retirees was referred to 2003-2004 budget study.

BUDGET-CITY EMPLOYEES: In view of the revenue shortfall, when preparing the budget for fiscal year 2003-2004, Council Member Wyatt requested that the City Manager consider all options, including service reductions, in lieu of laying off City employees.

TRAFFIC-STREETS AND ALLEYS: Council Member Carder referred to communications from residents of Brandon Oaks retirement community in regard to speeding on Brandon Avenue, S. W., and requested that the City Manager review arterial streets, including Brandon Avenue, with regard to potential traffic calming measures.

TRAFFIC-ROANOKE CIVIC CENTER: Council Member Carder commended the work of Roanoke Civic Center staff with regard to the coordination of a multitude of events, and traffic calming measures at the Civic Center.

CITY EMPLOYEES: Council Member Bestpitch requested that the City Manager submit a recommendation to Council at its meeting on Monday, December 2, 2002, with regard to holiday leave for City employees.

PARKS AND RECREATION-ACTS OF ACKNOWLEDGMENT-LANDMARKS/HISTORIC PRESERVATION: The Mayor extended an invitation to the Members of Council and citizens to attend a ceremony dedicating a historic plaque at the Mill Mountain Star on Wednesday, November 27, 2002, at 12:00 noon.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

No citizen registered to speak.

CITY MANAGER COMMENTS:

WATER RESOURCES: The City Manager called upon Michael McEvoy, Director of Utilities, for a briefing on the water level at the Carvins Cove Reservoir; whereupon, he advised that as of November 18, 2002, Carvins Cove was at 25.2 feet below spillway, which is approximately nine feet from the lowest point beginning in mid October, 2002.

The City Manager advised that the City does not intend to lift full mandatory water restrictions until the Carvins Cove Reservoir reaches 22 feet below spillway and voluntary conservation will be in effect until the reservoir reaches 15 feet below spillway. She further advised that while the City has experienced substantial rainfall and the Governor has lifted State restrictions, the City of Roanoke, as a community, should continue to conserve water.

TRAFFIC-ROANOKE CIVIC CENTER: The City Manager commended City staff on traffic management at the Roanoke Civic Center, and surrounding areas.

RECYCLING: THE City Manager advised that the City of Roanoke is 18 tons short of reaching its 300 ton per month goal for recyclables, at which point the City would pay no acceptance fees to its recycling vendor. She stated that the majority of paper products that have not been exposed to food waste can be recycled, and encouraged citizens to recycle holiday wrapping paper, with the exception of foil paper.

At 3:55 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the City Council's Conference Room for a briefing on relocation of utilities, overhead to underground.

At 4:00 p.m., the meeting reconvened in the Council's Conference Room.

UTILITIES: The City Manager advised that the Members of Council previously expressed a desire to learn more about the possibility for additional undergrounding of utilities in the City of Roanoke, and particularly in some of the older neighborhoods; therefore, City staff has prepared a presentation that will provide essential background in considering the issue as the City moves forward in the Vision 2001-2020 Plan.

Robert K. Bengtson, Director of Public Works, advised that the Department of Public Works, and the Department of Planning and Building Development have researched the matter to identify issues and available opportunities. He called upon Christopher Chittum, Senior Planner, for a detailed briefing and introduced Terry McMahan, Manager of Distribution for American Electric Power, to respond to any questions on behalf of AEP.

Mr. Chittum presented an overview of issues associated with relocation of utilities and advised that the purpose of the briefing is to identify some of the opportunities and alternatives in order to begin to make progress. He advised that after researching other localities, it was determined that there is widespread concern, projects are limited to smaller areas, and undergrounding is a key economic development and revitalization tool. He stated that the various approaches include relocation underground, relocation to alleys, consolidation on fewer poles, planting more street trees, and the impact is cluttered street scapes and overall visual quality of the City. He reviewed various options: underground relocation which comes at a very high cost and is the most effective method, the issue of street lights, and cost to property owners converting to underground service drops. He showed examples of overhead utilities on Tazewell Avenue and utilities located in an alley on Wasena Avenue. He advised that the second option is consolidation, which can reduce but not eliminate visual clutter, there are issues with street trees, relatively low cost, and most locations have utilities consolidated to one side. He noted that the third option is alley relocation which costs less than underground relocation, is effective in reducing clutter on streets, allows larger street trees, some utilities are already located in alleys, there is less cost to property owners, and access issues.

He explained that current policies are set out in the Subdivision Ordinance which requires utility lines for new subdivisions to be located at the rear, the ordinance "strongly encourages" underground wiring, distribution lines must be located underground in some districts; and past efforts of the City have been limited to core areas in downtown.

Mr. Chittum advised that Roanoke Vision 2001-2020 recommends alley relocation, relocation underground and consolidation, and implementation requires a long range approach. He stated that priorities include looking at the remaining portions of downtown that still have above ground utilities, and looking at village centers and other residential neighborhoods. He added that other opportunities include installing conduit as a part of road projects and redevelopment projects with VDOT sharing in the cost, and the City bearing about one-half of the cost, and street trees can reduce the visual impact (examples on Winona Avenue were presented).

He explained that funding is the biggest obstacle and funding sources could supplement financing by the City and utilities, such as Transportation Enhancement funds and special assessment districts for area-specific projects.

He advised that ideas for action include:

Identifying City priorities for the future,

Long range strategy in order to spread cost over time,

Short range for consolidation,

Include relocation in planning major projects,

Amend the Subdivision Ordinance to require underground wiring in new subdivisions and require underground service distributions in all districts,

Regular funding in CIP and operating budgets, and

Demonstration projects.

Mr. McMahan advised that when one sees an overhead facility, one is actually seeing primarily telephone cable and secondary voltage cable, which are more visible and are most objectionable when driving down the highway and wires are highlighted against the sky as they cross the roadway. He stated that an interim solution could be to leave the poles and wire intact and place all service to the house underground. He mentioned the possibility of working with the telephone company to place the transformer underground as well. He contended that if those actions are taken, aesthetics would be improved by about 75 per cent and could be done at a cost of approximately 25 per cent of installing utilities underground.

A suggestion was offered that the black cable be replaced with white or grey cable, and that utility poles be painted which would be more aesthetically pleasing and blend into the skyline.

It was suggested that a plan should be developed that is within the financial resources of the City and its Comprehensive Plan.

Question was raised as to the cost per house to install underground wiring; whereupon, Mr. McMahan advised that from the perspective of the power company, it would cost approximately \$500.00 or less, and the cable television and telephone companies would most likely not charge for the service.

The City Manager advised that Council could enact a policy decision requiring that all new subdivisions have underground wiring.

Brian Townsend, Director, Planning and Code Enforcement, advised that further information would be provided to Council in regard to costs to developers/home owners for undergrounding of utilities.

The City Manager advised that at some point, the City should impose the same requirements on developers that are imposed on others. She stated that the City should resist the mindset that it must have lesser cost for development in order for development to occur. She added that the City of Roanoke has given up a lot of things for a long time and it must decide if it wants quality development which is expensive and is a decision that the Council will have to make. She advised that in other areas, developers are installing street lights and undergrounding utilities and they are selling houses at a fast pace in those areas. Therefore, she stated that the City needs to think about the importance of its future and make a policy decision to address the issue.

The City Manager further advised that a master plan is needed which will set forth which areas will be addressed first, the most efficient way to address the issue because in some areas it may be better to select alleys, others may require undergrounding, and others may require some form of consolidation. She stated that if there is sufficient interest on the part of Council, City staff will develop a master plan and staff will look to Council for direction.

It was the consensus of Council that City staff will prepare a master plan, taking into consideration the City's fiscal responsibilities and constraints, leading to a long term plan.

Mr. McMahan advised of the willingness of American Electric Power to work with the City because that which is arrived at jointly will be a better solution than that which is arrived at unilaterally.

Council Member Wyatt asked that AEP consider changing the color of utility wires to white or grey, in lieu of the basic black.

There being no further business, at 4:50 p.m., the Mayor declared the meeting in recess, and Council convened in Closed Session.

At 5:10 p.m., the Mayor declared the Council meeting in recess, for a joint meeting of City Council and the Roanoke Arts Commission.

At 5:15 p.m., the meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith and Roanoke Arts Commission Chair Mark C. McConnel presiding.

COUNCIL MEMBERS PRESENT: William D. Bestpitch, William H. Carder, M. Rupert Cutler, C. Nelson Harris and Mayor Ralph K. Smith-----5.

COUNCIL MEMBERS ABSENT: Alfred T. Dowe, Jr. and Linda F. Wyatt-----2.

ROANOKE ARTS COMMISSION MEMBERS PRESENT: Susan W. Jennings, Kathleen W. Lunsford, Anna Wentworth, Betty Branch, Charles E. Jordan, Frank J. Eastburn, Robert Humphrey, and Mark C. McConnel, Chair.

ROANOKE ARTS COMMISSION MEMBERS ABSENT: Susannah Koerber, George Kegley, Ann L. Weinstein, Michael Brennan, and Courtney Penn.

OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance, Mary F. Parker, City Clerk; George C. Snead, Jr., Assistant City Manager for Operations; and Rolanda Russell, Assistant City Manager for Community Development.

COUNCIL-ROANOKE ARTS COMMISSION: Mr. McConnel worked with a power point presentation explaining that the Arts Commission was created in 1983, pursuant to Ordinance No. 26537 to advise and assist Council on matters relating to the advancement of the arts and humanities within the City of Roanoke; the ordinance also referred to funding for the arts, evaluation of the appropriateness of gifts, evaluation of

the appropriateness of City sponsorship of certain cultural events, care of historic landmarks, and maintenance of the City's art collection. He presented examples of the City's art collection.

He advised that historically, the work of the Roanoke Arts Commission has varied greatly; over the past several years, the Commission has been involved with the High School Art Show and 16 high schools participate in the Art Show which is coordinated and funded to some degree by the Arts Commission; and the Arts Commission also oversees the City's art collection which includes cataloging, maintenance, and installation when new pieces of art are acquired. He further advised that in past years, the Arts Commission has been involved in acquisition of new pieces of art for the City, and it offers advice on the purchase of art, display, and the sale of art.

He called attention to recent activities including Art of the Week which is e-mailed weekly to City officials and staff and offers the opportunity to see the work of various artists; next year's City calendar will contain images of the City's art collection; a catalog of City-owned art will be made available to the public; improvements will be made to that area at the Roanoke Public Library which houses art and art book collections which requires reconfiguring space, and adding shelves, etc.; there will be a renewed attention to the City's collection of library books by initiating a program to solicit donations of art related books, catalogs of recent shows, etc.; initiation of a series of lectures by persons from the arts community; providing assistance to public bodies with regard to public art issues, such as assisting the Roanoke Higher Education Center with its capital campaign which will include installation of art in the Higher Education Center at appropriate locations; and assisting the Police Department in memorializing fallen police officers by providing guidance in the selection of a piece of art that will be unique and of lasting durability and beauty.

With regard to important recent developments, Mr. McConnel advised that the Arts Commission is pleased with the revised guidelines for the Percent for Arts Program, which has existed for approximately six years without clear guidelines; however, a recent revision provides the necessary clarification. He explained that Percent for Arts is a national program in which approximately 390 cities across the country participate and six states have adopted a Statewide Percent for Arts Program relating to State construction projects. He noted that this method of funding art makes sense because art is being funded only when a city is materially growing and the art work to be installed and funded by the Percent for Arts program is tied to a City's master plan.

Mr. McConnel advised that the Public Arts Plan will be a major thrust for the Roanoke Arts Commission, because the Arts Commission has been aware for quite some time that as large public art installations became available to the City, there was no cohesive plan for installation to ensure geographic diversity so that all parts of the City are addressed in an artistic way. He noted that the Arts Commission encourages the involvement of all neighborhoods and community groups that will be affected by the public arts plan; and the Commission is also concerned about typological diversity because not every piece of art is a beautiful statue, or a mosaic, or a flat piece of art hanging on a wall. He called attention to the desire to address creation of diverse outdoor performance art expenditures in the public arts plan and because it is difficult to collect performance art, there is a tendency to think only in terms of investing in visual arts. He noted that another primary issue is the viewing of the public arts plan as a way to leverage Percent for Arts dollars to achieve a greater outcome for the public good; national grants for public art installations have matching requirements; and expertise on the Arts Commission can be used to look for these opportunities, to partner with outside funding sources, and to leverage the City's contributions to the Percent for Arts program to achieve greater good for the entire City. He advised that when the master plan is complete, the Arts Commission would like for the plan to be included as an adjunct to the City's Vision 2001-2020 Comprehensive Plan; and the Arts Commission would like to build consensus in regard to the public arts plan by encouraging neighborhood input.

He explained that the Agency Funding Advisory Committee is a subcommittee of the Arts Commission and was formerly known as the Cultural Services Committee; the Agency Funding Advisory Committee is composed of members of the Arts Commission, with assistance of the City's Economic Development Department, and receives proposals from various cultural institutions in the City of Roanoke for funding assistance. He stated that the Advisory Committee is charged with the responsibility of reviewing applications and allotting funds allocated by Council to the various organizations depending on the programs proposed to be funded. He noted that in an effort to work with these institutions, the Arts Commission holds its meetings in various locations to observe first hand the work of the various agencies/organizations, which enables the Arts Commission to better envision the specific needs of the agencies when they petition for funds. He explained that the application for funding through the Agency Funding Advisory Committee will be revised in an effort to streamline the process, because it is important to protect the interests of the City and for the City to know how funds are used by the various agencies.

Mr. McConnel addressed the future of the Arts Commission, and called attention to discussions with regard to the Arts Commission coming under the purview of the City's Economic Development Department because art and public art is significantly an economic development tool. He advised that in 1999, Virginia Tech completed a study which showed that the arts, in a period of one year, contributed approximately \$15 million to the Roanoke Valley.

Mr. McConnel advised that the Percent for Art Committee, as originally organized, has ceased to exist because the funding mechanism has become straightforward and simplified by the revised guidelines, and art installation and selection will fall into the master plan concept.

He called attention to the following standing subcommittees of the Arts Commission; Nominating, Agency Funding Advisory Committee, Public Arts Planning, Library, Maintenance, and Public Information, and noted that the Arts Commission is anxious to receive input from City Council and the citizenry in general.

As to the future of the Arts Commission, Mr. McConnel advised that the Commission is currently in the research and planning stage of the Public Arts Plan, and it encourages intense public and Council involvement, which will involve approximately an 18 to 24 month time frame. He stated that the Deputy Chief, Division of Cultural Affairs, Arlington, Virginia, has been contacted for assistance, since the City of Arlington has recently undertaken a large public arts plan, and the Deputy Chief will meet with the Arts Commission to discuss Roanoke's establishment of a public arts plan.

He advised that the Arts Commission views itself as facilitators with the desire to infuse art in every aspect of the lives of Roanoke's citizens. The Chairman advised that the Arts Commission would like to regularize funding, meet with the City Engineer to understand multi-year projections, and initiate a program for long term maintenance of the City's art collection.

Mr. Humphrey distributed copy of a map of the Seattle, Washington, area depicting the locations of public art.

Mr. McConnel explained that in the year 2003, the arts master plan will not be in place, but there will be opportunities for public art installations and the use of public funds for this economic development tool; the Arts Commission proposes to use a

portion of the City's allocation to help fund the master plan; the Dorothy Gillespie mural on the side of Kirk Avenue Antiques is in need of restoration; there is an opportunity for a signature sculpture at the Roanoke Civic Center to coincide with certain renovations; the Highland Park stage needs to be enhanced; and the Arts Commission has been working with the Parks and Recreation Department in regard to public art along the greenways. He called attention to the Seattle, Washington map that was previously distributed that shows "earth works", which is envisioned by the Arts Commission as art along Roanoke's greenways, rather than plant materials or flower beds which are considered to be landscaping.

He reiterated the potential for a sculpture or some type of art intervention at the Roanoke Civic Center, which is a public place that is seen by thousands of persons annually. He called attention to the importance of building a collaborative relationship with City Council, one in which the Arts Commission would develop all art procured by the City and act as the City's agent, soliciting artists' ideas and engage in a selection process, while keeping Council informed at the various stages as to what is taking place and provide an opportunity for input at any time in the process, and contract with artists to develop art works that are appropriate for specific locations. He explained that public art is site specific and the original Percent for Art Program in many cities ties art to a specific location, which will occur in the City of Roanoke with the proposed arts master plan.

Council Member Cutler inquired as to how the Arts Commission will prepare the envisaged public art supplement to the new Comprehensive Plan (Vision 2001-2020), process and timetable.

Mr. Humphrey responded that there is a time frame of about 18-24 months to complete the public art plan for inclusion in the City's Comprehensive Plan; and the Arts Commission encourages input by Council and the public; the plan is currently in the research stage, there is a desire to infuse art throughout the City and to discourage communities from vying against one another for public art, and the Arts Commission proposes to hold public meetings to develop a consensus by citizens regarding public art.

Mr. Cutler inquired if an inventory of potential sites would be prepared; whereupon, Mr. Humphrey answered in the affirmative. Mr. McConnel stated that there are obvious potential sites, particularly if one looks at the Vision Plan with the emphasis on village centers. He cited the new art museum as a location for artistic intervention, and noted that the Vision 2001-2020 Plan could be used as a stepping stone.

Mr. Cutler referenced the Dr. Martin Luther King, Jr., memorial issue; whereupon, Mr. McConnel advised that it should be left up to the citizenry to say where a certain piece of art should or should not be located, because the recommendation of the Arts Commission is to not stipulate meaning and design, but rather location and intent.

Mr. Humphrey called attention to discussions by the Arts Commission in regard to using a portion of the Percent for Art funds for a matching neighborhood fund grant; i.e.: if a neighborhood was desirous of creating a memorial for someone, they could submit a proposal to the Arts Commission and request a matching fund grant.

The City Manager inquired if the Arts Commission was of the mind to use Percent for Art monies to hire a consultant to create the master plan; whereupon, Mr. McConnel advised that the Arts Commission would like to retain the services of a consultant with expertise in designing public arts plans, and it would appear to be appropriate to use a portion of the first allocation of funds for the purpose of funding or partially funding the master plan, because it is just as important to lay the proper groundwork as it is to purchase the art.

Mr. Cutler inquired as to how the Arts Commission proposes to proceed with the probable opportunity to provide an outdoor sculpture at the Roanoke Civic Center and/or at the new stadium/amphitheater. What does the Arts Commission envision the role of City Council to be in the process?

Mr. McConnel responded that first the Arts Commission should submit a recommendation to Council and if Council is of the opinion that it is a worthwhile application of Percent for Art funds, the Arts Commission would begin to determine how, where, and what kind of art should be selected, submit a recommendation to Council, and a request for proposals would then be forwarded to the arts community.

Mr. Cutler inquired if the Arts Commission has considered revising the City grant application guidelines for local charitable nonprofit organizations to allow those organizations to request unrestricted operating support to fund core staff and overhead expenses, as well as grants restricted to special projects?

Ms. Jennings responded that the Roanoke Arts Council has been engaged as the monitoring agency for the City's grant money which is allocated to various organizations; previously, organizations could apply for general operating support, however, approximately five years ago, an emphasis was placed on programming,

therefore, applications were submitted for programming and not for general operating support. She explained that many times, funds that are intended for general operating support are dressed in the guise of a program, and it would be much easier if agencies could state that the request is intended to be used for general operating support.

Vice-Mayor Harris stated that it is a policy decision that rests with City Council. He explained that from the Council's vantage point, the agency was not being served in a healthy way by allowing the agency to build operational capacity off of a year to year funding source; Council was of the opinion that it could not guarantee that funding would be in place for the future; and consequently, when funding was not available, Council was faced with dealing with the problems of agencies that could not continue to operate. He noted that the policy adjustment was made to try and facilitate organizations to operate on a better footing while Council, through this mechanism, tried to assist with special projects or programs. He advised that he did not disagree on the premise that art organizations in today's environment need help, but Council made the policy decision so as not to mislead organizations.

The Vice-Mayor called attention to the need for a signature art piece at the Roanoke Civic Center; and the need to create public art and public art space in the neighborhoods, because so much of the City's public art is located in the core downtown area or some of the larger municipal facilities. He cited the intersection of Main Street and Brandon Avenue as an ideal location for a piece of public art, and called attention to gateways into Roanoke's neighborhoods or in locations where main arteries intersect that have space for public art. He concurred in the statement that a portion of the Public Arts Plan should be to broaden, geographically, those points of influence where public art could be placed. He stated some of Roanoke's older neighborhoods are approaching their centennial and there should be opportunities to discuss with neighborhood businesses or civic organizations the concept of becoming a funding partner in creating a piece of art that would emphasize their centennial.

Council Member Bestpitch expressed concern with regard to restricting a large portion of funds received by cultural service agencies to special projects because in order to be meaningful, there should be a type of needs assessment or evaluation of the most important issues, otherwise criteria and priorities will be made up, and even with the competitive process, an evaluation will be made against unsubstantiated

methodologies in terms of how to rank the different requests. In summary, he stated that the effectiveness of programs should be reviewed to identify ways to leverage funding to help an agency perform its tasks and there should be more discussion on the issue in order for Council to reach a policy decision.

Vice-Mayor Harris suggested that the Arts Commission advise Council Member Bestpitch, Chair, City Council's Budget and Planning Committee, if a policy decision by Council is necessary.

Mr. Carder advised that it is much easier for the City to quantify and qualify criteria that is program-based, rather than operations-based, because it is difficult to weigh the good of one organization compared with another. As with all other Council-Appointed committees, commissions, boards, and authorities, he stated that it is important for the Arts Commission to work through the City Manager prior to submitting recommendations to Council; whereupon, Mr. McConnel explained that the Arts Commission works under and with the Economic Development Department relative to the entire grant application process, the application is under review by the Department of Management and Budget, and the Arts Commission submits its recommendations through City staff to Council.

Council Member Carder suggested that the City's art collection be displayed in neighborhoods, public schools, and the Higher Education Center, etc., thereby making the collection more accessible to Roanoke's citizens. Mr. McConnel responded that art is currently on display in the Municipal Building, the Courthouse, the Civic Center, and the Library, and the City's art collection is large enough that pieces could be pulled for a traveling art show throughout the City of Roanoke.

With reference to the location of public art pieces, Mayor Smith advised that when he acquires a piece of art, he considers the specific item, the location for display of the item, and funding issues. He stated that funding issues must be more structured in the arts plan of a governmental body than that of an individual, but art happens with ideas, and it is hoped that the City's art funds will not be totally depleted so that funds will be available if the right piece of art comes along for a specific location. Mr. McConnel advised that the Public Arts Plan will be updated annually, and as opportunities come to the forefront, they can be utilized, thereby making the arts plan more flexible.

Mr. Jordan called attention to situations where organizations appear before the Agency Funding Advisory Committee for funds, and it is known that the money will be used for operating expenses, but the organization has prepared a program to justify the request, therefore, the organizations should be relieved of the burden of that responsibility. He cited the Harrison Museum of African-American Culture as an example of an organization that should not have to come before the Agency Funding Advisory Committee, but should be a line item in the City's budget.

Ms. Wentworth advised that she is currently working on cataloging art owned by the City, and expressed concern with regard to proper maintenance of the City's art collection. She added that much of the art is not accessible to the public, and she spoke in support of the purchase of more art for public buildings throughout the City.

With regard to funding organizations through the Agency Funding Advisory Committee, Ms. Lunsford advised that there should be some middle ground, and rather than requiring that funds be used for a program, there could be a requirement for justification as to how the funds will be expended; and speaking as a member of the Agency Funding Advisory Committee, the funding process should not be so complicated. She stated that she is working on the Public Arts Plan, and a pool of names is being developed of persons in City government and in the neighborhoods who might be called upon for input and assistance.

With reference to the issue of operating versus program funding for the various agencies requesting funds through the Agency Funding Advisory Committee, Ms. Jennings advised that when the switch was made to program funding, some organizations pulled out of the cultural services funding category and went into line item funding within the City's budget, such as Center in the Square and Virginia Amateur Sports. She stated that this presents an inequitable situation when some organizations are treated as line items in the budget and receive operational funds, while others are trying to come up with programs, therefore, the inequity should be addressed.

Dr. Eastburn expressed concern with the role of the Arts Commission as an advocate, and explained that organizations have lost their direct contact with City Council. He called attention to the need to develop a mechanism in which the Arts Commission can filter complaints and concerns of various organizations and relate those concerns to City Council, as opposed to the organizations coming directly to City Council.

Mr. Humphrey stated that the Arts Commission is composed of well-qualified individuals who are trying to be fiscally responsible stewards of art in the City of Roanoke, with the goal of developing a better art collection, maintaining the collection, and supporting cultural organizations in the City of Roanoke. He stated that citizens and the City as a whole benefit from having an art collection and cultural organizations, all of which bring more economic development to the area.

There being no further business to be discussed, at 6:35 p.m., the Mayor declared the City Council meeting in recess and Council reconvened in Closed Session in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 7:00 p.m., on Monday, November 18, 2002, the City Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, C. Nelson Harris, and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Linda F. Wyatt-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 18, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Western Virginia Foundation for the Arts and Sciences, that a portion of Shenandoah Avenue, N. E., lying adjacent to parcels of land bearing Official Tax Nos. 3013603 and 3013604, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 1, 2002 and Friday, November 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the petitioner requests the portion of right-of way on Shenandoah Avenue to add to its site for the redevelopment of Official Tax Nos. 3013603 and 3013604; the two parcels of land house the former Norfolk and Western Passenger Station; and the petitioner plans to rehabilitate the structure to accommodate a visitors bureau and museum, was before the Council.

The City Planning Commission recommended that Council approve the request, subject certain conditions.

Stephen W. Lemon, Attorney, appeared before Council in support of the request of his client.

Mr. Carder offered the following ordinance.

(#36140-111802) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 64, Page 530.)

Mr. Carder moved the adoption of Ordinance No. 36140-111802. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion by Council, Ordinance No. 36140-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 18, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Michael A. Wells that the rear 25 feet x 50 feet portion of Official Tax No. 2761421 be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner; and that conditions set forth in Ordinance No. 32294-121994 for property located at the corner of Virginia Avenue and Westside Boulevard, N. W., designated as Official Tax No. 2761409, be repealed and replaced with new conditions, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 1, 2002 and Friday, November 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that sole use of the subject property to be rezoned shall be an automobile cleaning facility, was before Council.

It was further advised that zoning of most of Virginia Avenue is RS-3, Residential Single Family District; the southeastern corner of Virginia Avenue and Westside Boulevard is zoned C-1, Office District, with conditions (rezoned in 1989); properties on Melrose Avenue are zoned C-2, General Commercial District; land uses reflect the zoning pattern; the land use along Virginia Avenue is primarily residential; land use of properties facing Melrose Avenue is commercial; the property is not an appropriate area for commercial expansion because of its residential nature; the property is not located in an identifiable commercial center; though the property is adjacent to strip commercial development, it demarcates the change between residential and commercial uses; the Melrose Avenue corridor has an abundance of commercially-zoned property that is currently vacant; according to real estate records, 34 properties are both vacant/underutilized and zoned C-2 within one-half mile of the property; eight such properties are located within one mile of the site; and rather than encourage encroachment into an established residential area, a majority of the City Planning Commission believes that existing commercially-zoned property is available and should be occupied before expansion of the commercial district is considered.

The City Planning Commission recommended that Council deny the request, advising that the proposed rezoning is not in accordance with Vision 2001-2020; and there are numerous other vacant/underutilized properties in the immediate area that are currently zoned C-2.

Mr. Carder moved that the following ordinance be placed upon its first reading:.

(#36141) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 276, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property bearing Official Tax No. 2761409, previously conditionally rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions.

(For full text of Ordinance, see Ordinance Book No. 64, Page 534.)

The motion was seconded by Mr. Cutler.

Roy V. Creasy, Attorney, appeared before Council in support of the request of his client. He advised that Mr. Wells owns two parcels of land on Virginia Avenue, and in 1994 the rear portion of one of the lots, 50 feet wide, was rezoned which enabled his client to construct a facility for vehicle cleaning and detailing. He stated that Mr. Wells is now requesting another 50 foot extension of adjacent land which would permit him to construct a building to store vehicles in inclement weather and would enable him to conduct his business in a more efficient and productive manner. He called attention to proffers that address screening of the property and hours of operation so as not to unreasonably interfere with the neighborhood. On behalf of his client, he asked that Council approve the request.

The Mayor inquired if there were persons who would like to be heard in connection with the matter.

Ms. Betty McCormick, 3826 Virginia Avenue, N. W., advised that the car washing establishment is too close to the intersection of Melrose Avenue and Westside Boulevard, and called attention to the potential of a traffic accident when vehicles on Melrose Avenue are stopped so that cars may enter and exit Mr. Wells' facility. She stated that Mr. Wells parks vehicles throughout the neighborhood, there is inadequate drainage, and construction work takes place around the facility, but there are no visible signs of a building permit. She called attention to the City's water shortage and the availability of property in the area that is currently zoned for such a facility. She invited the Members of Council to her home to see firsthand what she is forced to look at on a daily basis. She advised that residents of the area are not against Mr. Wells, but they are against the expansion of his car washing business into their backyards.

Mr. Mike Shepherd, 3829 Virginia Avenue, N. W., expressed opposition to the request. He advised that Mr. Wells has been trying to rezone his residential property for business purposes for quite some time in an effort to expand his business, and by further rezoning of the property, the City is allowing Mr. Wells to infringe on the rights of his neighbors and the community overall. He called attention to instances when Mr. Wells has violated the City's water restrictions by washing his personal vehicles. He advised that the City Planning Commission voted to deny the request and asked that Council take the same action.

Mr. David Mitchell, 3910 Virginia Avenue, N. W., advised that his home is located next door to Mr. Wells' establishment; houses in the area are built on solid shell and if further construction is allowed, he is concerned that the shell will shift, thus causing the foundation of his house to shift. He expressed concern with regard to Mr. Wells' business and whether it will benefit the neighborhood in any way.

Mr. Daniel Hale, 4425 Aleva Street, N. W., spoke in support of the request of Mr. Wells and advised that all complaints have been addressed. He stated that Mr. Wells has tried to improve and to invest in the neighborhood in various ways and to conduct his business in a forth right manner. Therefore, he requested that Council vote in support of the request of Mr. Wells to expand his business.

Mr. Fred Galloway, 3402 Kershaw Road, N. W., advised that Mr. Wells needs to expand his business, but he cannot afford to rent another building that is appropriately zoned. He stated that too many buildings in the City of Roanoke have already been boarded up, therefore, he appeared before Council on behalf of Mr. Wells to request that he be permitted to increase the size of his building, in order to conduct his business in a more efficient manner.

Mr. Robert Gravely, 617 Hanover Avenue, N. W., spoke on behalf of the request of Mr. Wells. He stated that each time a person of color tries to make improvements within the community, there is some type of adverse reaction by the community; and each time they try to do something pertaining to their culture, or to their business, or simply to better themselves, they come up against obstacles within the community, or within the system itself.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in support of the request of Mr. Wells. She advised that Mr. Wells' petition to expand his car washing business represents economic development, which is always encouraged and supported by City

Council and City staff. Also, she added that Mr. Wells pays taxes to the City of Roanoke and he will pay even more taxes if he is allowed to expand the size of his business. With reference to a previous complaint involving Melrose Avenue traffic, she advised that Mr. Wells' business is located on the west side of Melrose Avenue and traffic coming from Melrose Avenue would enter on the east side of the street. She stated that Mr. Wells proposed improvements do not infringe on the residential community because at least three businesses currently operate in the area in addition to Mr. Wells establishment. She asked that Council view the matter from an economic development standpoint and for the betterment of the City of Roanoke and approve the request.

Ms. Brenda Hale, 3595 Parkwood Drive, S. W., spoke in support of the request of Mr. Wells inasmuch as he is a minority entrepreneur who has accomplished a great deal. She advised that Council has a responsibility to represent persons from over 70 nations who reside in the Roanoke community; the African-American community has a lot of history; Mr. Wells is changing and evolving in his business which has been well documented over the years, and his growth and development should not be stifled as a minority entrepreneur. She stated that Roanoke is a beautiful city and its citizens want to move forward, but there is bias in the City of Roanoke which can be changed if all citizens work together to enable the Star City to provide a united environment. She asked that Council exercise its fiduciary responsibilities this evening, and, in the future, it is hoped that more minority business owners will come forth with the knowledge that they can be successful as a minority businessman, businesswoman, or entrepreneur in the City of Roanoke.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion by Council, Ordinance No. 36134 was adopted, on its first reading, by the following vote:

AYES: Council Members Carder, Cutler, Harris, and Mayor Smith-----4.

NAYS: Council Member Bestpitch-----1.

(Council Members Dowe and Wyatt were absent.)

BUILDINGS/BUILDING DEPARTMENT-DONATIONS/CONTRIBUTIONS-CITY PROPERTY: The City Manager submitted a communication advising that Robert E. Zimmerman, owner of property located at 351 Salem Avenue, S. W., has offered to

donate to the City a parcel of land containing approximately .210 acre of land, which property is identified as Official Tax No. 1010106, and is located adjacent to a City-owned parcel of land that is currently utilized as a satellite office and parking for City vehicles. She further advised that the building on the property was recently destroyed by fire, leaving the assessed value of the land at \$47,000.00; and the City intends to demolish the building after the property is conveyed.

The City Manager recommended that she be authorized to accept donation of the above referenced property, subject to satisfactory environmental site inspection.

Mr. Carder offered the following ordinance:

(#36142-111802) AN ORDINANCE authoring acceptance of the donation of a parcel of land by Robert E. Zimmerman,

(For full text of Ordinance, see Ordinance Book No. 66, Page 533.)

Mr. Carder moved the adoption of Ordinance No. 36142-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-TRAFFIC-COMPLAINTS-REFUSE COLLECTION-NEIGHBORHOOD ORGANIZATIONS-HOUSING/AUTHORITY- NEWSPAPERS-DOWNTOWN NORTH: Ms. Helen E. Davis, 35 Patton Avenue, N. E., concurred in earlier remarks presented by Mr. E. Duane Howard with regard to a memorial for fallen law enforcement officers (agenda item 6.a.3). With regard to enacting budget cuts, she requested that consideration be given to the cost of publishing the Roanoke City Magazine versus the cost of including a City of Roanoke information insert in

The Roanoke Times. She referred to agenda item 6.a.4 which was approved by Council at the 2:00 p.m. session, in regard to the use of competitive negotiation as the method to secure vendors to engage a company to develop City-owned property along Gainsboro Road, and called attention to a past commitment of the City administration that the three Gainsboro neighborhood organizations would be notified as to any actions proposed by the City for the Gainsboro community; however, residents were not aware of the above referenced agenda item. She advised that Gilmer Avenue, N. W., is a narrow street and called attention to the potential of traffic accidents due to large refuse collection vehicles, which also cause traffic to back up while the one-arm bandit empties trash containers. She stated that refuse is not being collected at an acceptable level in northwest Roanoke. She requested information on costs incurred by the City of Roanoke for consulting contracts.

COMPLAINTS-NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., referred to action taken by Council earlier in the meeting regarding the property on Gainsboro Road (agenda item 6.a.4). She advised that it was stated that residents of Gainsboro are interested in housing; however, during the Comprehensive Plan meeting, residents of the Gainsboro community emphasized the need for infill housing, as opposed to a new housing complex, to complete vacant lots throughout the neighborhood. She requested that the Presidents of the three neighborhood organizations in Gainsboro be adequately and timely informed when the real estate developer is selected by the City, and that the real estate developer meet with residents of Gainsboro. She suggested that the Roanoke Neighborhood Development Corporation be contacted to determine its interest in developing the land.

SIDEWALK/CURB AND GUTTER-BUDGET-COMPLAINTS-TAXES-NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING: Mr. Robert Gravely, 617 Hanover Avenue, N. W., expressed concern with regard to the Gainsboro community, and questioned actions in regard to constructing an \$80,000.00 house in the 1100 block of Gilmer Avenue, N. W., when the average home costs in the range of \$32,000.00 - \$40,000.00. He suggested that the area be placed in a tax bracket so as to fit the needs of the citizens. He called attention to the lack of sidewalks, and other amenities in the area, and advised that the needs of the citizens of the Gainsboro Community should be kept in mind by City Planners.

ACTS OF ACKNOWLEDGMENT-CITY MANAGER-CITY COUNCIL-HOSPITALS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed appreciation for the "Shining Star" award which was presented earlier in the meeting to the Roanoke Valley Mopar

Club, in connection with fund raising efforts for St. Jude's Hospital. He commended the Members of Council and the City Manager on their accomplishments on behalf of the citizens of the City of Roanoke.

At 7:45 p.m. the meeting was declared in recess to be reconvened in Closed Session.

At 8:20 p.m., the City Council meeting reconvened in the City Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Members Dowe and Wyatt.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

COMMITTEES-JUVENILE CORRECTIONAL FACILITIES: The Mayor advised that the terms of office of Jesse A. Hall and Glenn D. Radcliffe as members of the Roanoke Valley Juvenile Detention Center Commission expired on June 30, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Jesse A. Hall and Glenn D. Radcliffe.

There being no further nominations, Messrs. Hall and Radcliffe were reappointed as members of the Roanoke Valley Juvenile Detention Center Commission for terms ending June 30, 2006, by the following vote.

FOR MESSRS. HALL AND RADCLIFFE: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

(Council Members Dowe and Wyatt were absent.)

POLICE DEPARTMENT-COMMITTEES: The Mayor advised that the term of office of A. L. Gaskins as a member of the Regional Policy Board, Alcohol Safety Action Program, expired on June 30, 2002, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of A. L. Gaskins.

There being no further nominations, Mr. Gaskins was reappointed as a member of the Regional Policy Board, Alcohol Safety Action Program, for a term ending June 30, 2004, by the following vote:

FOR MR. GASKINS: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

(Council Members Dowe and Wyatt were absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE VALLEY RESOURCE AUTHORITY: The Mayor advised that the term of office of Robert K. Bengtson as a member of the Roanoke Valley Resource Authority will expire on December 31, 2002, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Robert K. Bengtson.

There being no further nominations, Mr. Bengtson was reappointed as a member of the Roanoke Valley Resource Authority, for a term ending December 31, 2006, by the following vote:

FOR MR. BENGTSON: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

(Council Members Dowe and Wyatt were absent.)

There being no further business, the Mayor declared the meeting adjourned at 8:25 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

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